

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Jorge Arturo Flores Pulido, Daniel Cejas and  
Angel Eduardo Flores Pulido on behalf of  
themselves and others similarly situated,

Plaintiff,

V.

Francisco Jimenez, Fabiola Alcasar Cisneros,  
Jimenez & Sons Landscaping, Inc.,

Defendants.

Case No. 1:19-cv-02767

Honorable Judge Robert W. Gettleman

**PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO DISMISS**

Plaintiffs Jorge Arturo Flores Pulido, Daniel Cejas, and Angel Flores Pulido on behalf of themselves and others similarly situated, hereby submit their Response to Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint and state as follows:

Though they think it is a close call, Plaintiffs believe that more efficient use of attorney and Court time would be had by not continuing to currently litigate Plaintiffs' RICO claims. Hampered by a lack of access to information which would provide specific dates, locations, times and amounts promised and paid, Plaintiffs cannot now plead these with more specificity and so dismiss their RICO counts.

Plaintiffs also dismiss Defendant Cisneros as an individual Defendant in Plaintiffs' Fair Labor Standards Act, Illinois Minimum Wage Law, and Illinois Wage Payment and Collection Act counts. Finally, Plaintiffs dismiss their breach of contract count against Cisneros and Jimenez but not Defendant Jimenez and Sons.

Plaintiffs request that the Court set a date for Defendants to answer the remaining FLSA, IMWL, IWPCA counts against Defendants Jimenez and Jimenez and Sons and the Breach of contract count against Jimenez and Sons.

Respectfully submitted,

By:

s/ Jorge Sanchez  
One of Plaintiffs' Attorneys

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November 18, 2019

**CERTIFICATE OF SERVICE**

I, Jorge Sanchez, an attorney, certify that on November 18, 2019, I electronically filed the foregoing **PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO DISMISS** with the Clerk of the Court of the Northern District of Illinois, Eastern Division using the CM/ECF System, which will send an electronic notification to the following counsel of record:

s/ Jorge Sánchez